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IN THE UNITED STATES DISTRICT COURT

2

FOR THE NORTHERN DISTRICT OF CALIFORNIA

4

5 In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C 02-1486 CW

6

FILEDVERDICT QUESTIONS
FORM

7

NOV 27 2001

8

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

E01

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10 **Part A--Section 10(b) and Section 20 False or Misleading
Statements Liability**

11

12 Please answer the questions below for each of the statements on the
13 Table of Challenged Statements and indicate your unanimous answers
14 on the Verdict Table. If a box on the Verdict Table is blacked out
15 or already filled in, that means that the question does not apply
to the corresponding statement or that the parties have agreed to
an answer. Please skip any question that is blacked out or already
answered. A "yes" answer favors Plaintiffs; a "no" answer favors
Defendants.

16

17 1. ^{1/w} Do you find that this challenged statement contains an untrue
statement of material fact, or omits a material fact necessary
under the circumstances to keep the statement that was made
from being misleading? Answer Yes or No.

18

19 If you answered "Yes," please proceed to Question 2, and if
Question 2 is blacked out, please skip to Question 3. If you
answered "No," please return to Question 1 for the next statement.

20

21 2. ^{1/w} Do you find that the challenged statement was not accompanied
by meaningful cautionary statements as defined in the
instructions? Answer Yes or No.

22

23 If you answered "Yes," please proceed to Question 3. If you
answered "No," please return to Question 1 for the next statement.

24

25 3. ^{1/w} Please enter "Yes" in the box representing any Individual
Defendant who you find was substantially involved in the
preparation of the challenged statement.

26

27 If you identified any Individual Defendant, or if any Individual
Defendant was already marked, please proceed to Question 4a. If
you did not identify any Individual Defendant and no Individual
Defendant was already marked, please return to Question 1 for the
next statement.

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2 4a. Do you find that any Individual Defendant who you found in
3 Question 3 made or was responsible for the statement, or who
the parties agree made the statement, did so with actual
knowledge that the statement was materially false or
misleading? Answer Yes or No.
4

5 If you answered "No" for any Individual Defendant identified in
6 Question 4a, please answer Question 4b for that Individual
Defendant. Otherwise, skip to Question 5.
6

7 4b. Do you find that any Individual Defendant who you found in
8 Question 3 made or was responsible for the statement, or who
the parties agree made the statement, did so with deliberate
recklessness? Answer Yes or No.
9

10 If you answered "Yes" to Question 4a or 4b for any Individual
11 Defendant, please proceed to Question 5. Otherwise, please return
12 to Question 1 for the next statement.
13

14 5. Do you find that the untrue statement of material fact, or the
15 omitted material fact, played a substantial part in causing a
loss to Plaintiffs? Answer Yes or No.
16

17 If you answered "Yes," please proceed to Question 6. If you
18 answered "No," please return to Question 1 for the next statement.
19

20 6. Please enter "Yes" in the box representing any Individual
Defendant who you find directly or indirectly controlled the
person who made the challenged statement, directly or
indirectly induced the person to make the statement, and did
not act in good faith.
21

22 Please return to Question 1 for the next statement. When you have
23 completed the chart for all statements, please review your answers
24 recorded on the Verdict Table. If you found for Plaintiff on any
25 statement (i.e. if you answered "yes" in Column 5 for any
26 statement), please proceed to Part B, Question 7. Otherwise,
27 please skip to Part D, Question 14.
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Part B--Section 10(b) and Section 20 False or Misleading Statements Damages

7. Which of these two methods do you find is the most accurate method for calculating damages in this case?

✓10 Dollar Inflation Percentage Inflation

If you selected "Dollar Inflation," please complete Question 8. If you selected "Percentage Inflation," please complete Question 9 on Page 5. (Do not complete both tables.)

8. If you answered "Dollar Inflation," please complete the table, following the instructions below.

- a. Please black out Column 2 for any date on which you do not find that the challenged statement(s) on that date caused a loss (i.e. for which you answered "No" in Column 5 of the Verdict Table).
- b. Beginning with the first date that is not blacked out in Column 2, please enter the dollar amount by which you find the false or misleading statement(s) made on that date inflated the price of JDSU stock.
- c. For this first row only, please copy the amount you entered in Column 2 into Column 4.
- d. Proceed to the next row. If Column 2 is not blacked out, enter the dollar amount by which you find the false or misleading statement(s) made on this date inflated the price of JDSU stock. Enter, in Column 3, the amount, if any, by which you find that any corrective disclosures, since the date of the previous row, have reduced the inflation created by false or misleading statements. Take the number from Column 4 in the previous row, add the number, if any, in Column 2, subtract the number, if any, in Column 3, and enter the result in Column 4.
- e. Please continue to complete each row.

When you are finished, please skip to Part C, Question 10.

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Dollar Inflation Table

COLUMN 1	COLUMN 1a	COLUMN 2	COLUMN 3	COLUMN 4
Date	Price per share on this Date	Inflation created by false or misleading statement(s) on this date	Reduction in inflation due to corrective disclosures, if any, since previous date	Total inflation due to challenged statements on this date
4/25/00	\$93.38	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
5/25/00	\$79.00	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
6/25/00	\$123.44	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
7/26/00	\$135.94	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
8/25/00	\$125.31	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
9/1/00	\$123.81	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
9/7/00	\$119.88	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
10/26/00	\$74.44	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
10/30/00	\$71.31	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
11/14/00	\$75.63	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
11/17/00	\$70.13	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
12/20/00	\$46.00	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
1/25/01	\$55.19	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
2/12/01	\$40.63	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
2/13/01	\$38.50	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
3/23/01	\$23.19	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
4/24/01	\$20.82	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
5/11/01	\$20.69	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
6/15/01	\$12.44	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
7/26/01	\$2.47	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]



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2 9. If you selected "Percentage Inflation" in Question 7 above,
please complete the table, following the instructions below.
3
4 a. Please black out Column 2 for any date on which you do
not find that the challenged statement(s) on that date
caused a loss (i.e. for which you answered "No" in Column
5 of the Verdict Table).
6 b. Beginning with the first date that is not blacked out in
Column 2, please enter the percent by which you find the
false or misleading statement(s) made on that date
inflated the price of JDSU stock.
7 c. For this first row only, please copy the amount you
entered in Column 2 into Column 4.
8 d. Proceed to the next row. If Column 2 is not blacked out,
enter the percent by which you find that any false or
misleading statement(s) made on this date inflated the
price of JDSU stock. Enter, in Column 3, the amount, if
any, by which you find that any corrective disclosures,
since the date of the previous row, have reduced the
inflation created by false or misleading statements.
9 Take the number from Column 4 in the previous row, add
the number, if any, in Column 2, subtract the number, if
any, in Column 3, and enter the result in Column 4.
10 e. Please continue to complete each row.

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12 When you are finished, please proceed to Part C, Question 10.
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Percentage Inflation Table

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Date	Inflation created by false or misleading statement(s) on this date	Reduction in inflation due to corrective disclosures since previous date	Total inflation due to challenged statements on this date
4/25/00	%	%	%
5/25/00		%	%
6/25/00		%	%
7/26/00	%	%	%
8/25/00		%	%
9/1/00		%	%
9/7/00		%	%
10/26/00		%	%
10/30/00		%	%
11/14/00		%	%
11/17/00		%	%
12/20/00		%	%
1/25/01		%	%
2/12/01		%	%
2/13/01		%	%
3/23/01		%	%
4/24/01		%	%
5/11/01		%	%
6/15/01		%	%
7/26/01		%	%



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2 **Part C--Section 14(a) Misrepresentation in a Proxy
Statement for Merger Liability & Damages**

3 If you found in answer to Question 1 above that Statement 10 was
4 materially false or misleading, please answer Question 10.
Otherwise, please skip to Part D, Question 14.

5 10. Do you find that statement 10 was an essential link in the
6 accomplishment of the JDS-SDL merger?

7 Yes No

8 **Please proceed to Question 11**

9 11. Do you find that Defendant Straus failed to act with ordinary
10 or reasonable care when he made statement 10?
1/20

11 Yes No

12 **Please proceed to Question 12.**

13 12. Do you find that Defendant Muller failed to act with ordinary
14 or reasonable care when he made statement 10?
1/20

15 Yes No

16 If you have answered "Yes" to Question 10 and to either Question 11
and/or Question 12, please proceed to Question 13. Otherwise,
please skip to Part D, Question 14.

17 13a. If you did not determine damages for Statement 10 on the
18 Verdict Table, do you find that Statement 10 played a
substantial part in causing a loss to Plaintiffs?
1/20

19 Yes No

20 If you answered "Yes," please proceed to Question 13b. Otherwise,
please skip to Part D, Question 14.

21 13b. What is the dollar amount or percentage amount that Statement
22 10 inflated the price of JDSU stock on February 13, 2001?
Please answer only once, using the method you selected in
23 response to Question 7.

24 \$ _____ or _____ %

25 **Please proceed to Part D, Question 14.**

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**Part D--Section 20A Trading on Inside Information
 Liability & Damages**

14. Do you find that one or more of the Individual Defendants made
 a decision to sell shares of JDSU stock using material, non-
 public information about the company?

Defendant Abbe	Yes	No	X
Defendant Kalkhoven	Yes	No	X
Defendant Muller	Yes	No	X
Defendant Straus	Yes	No	X

If you answered "Yes" as to any defendant, please proceed.
 Otherwise, sign, date and return your verdict.

If, in answer to Question 7, you selected "Dollar Inflation,"
 please complete Question 15. If you selected "Percentage
 Inflation," please skip to Question 16 on Page 12. (Do not
 complete both tables.)

15. If you selected "Dollar Inflation" in Question 7, please
 complete the table below for any Defendant who you found sold
 JDSU stock using material, non-public information.

- a. Enter "Yes" in Column 2 for the date of any stock sale
 which you find the Individual Defendant made using
 material, non-public information about the company.
- b. For every date on which you answered "Yes", please enter
 the dollar amount by which the price of JDSU stock was
 inflated because the public did not have this material
 information.

Then sign, date and return your verdict.

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Dollar Inflation Tables

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Defendant Abbe

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Column 1	Column 1a	Column 2	Column 3
Date	Market Price Per Share on Date	Used Material, Non-Public Information?	Dollar Inflation on Date of Sale
8/1/00	\$116.87		\$
8/11/00	\$117.75		\$
2/26/01	\$32.63		\$
2/27/01	\$27.81		\$
2/28/01	\$26.75		\$

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Defendant Kalkhoven

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Column 1	Column 1a	Column 2	Column 3
Date	Market Price Per Share on Date	Used Material, Non-Public Information?	Dollar Inflation on Date of Sale
5/22/00	\$85.31		\$
5/24/00	\$83.50		\$
7/31/00	\$118.16		\$
8/4/00	\$115.94		\$
8/7/00	\$121.19		\$
8/21/00	\$124.38		\$
8/22/00	\$124.50		\$
8/31/00	\$124.48		\$
9/1/00	\$123.81		\$
9/7/00	\$119.88		\$
9/12/00	\$103.19		\$
9/13/00	\$104.81		\$

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9/18/00	\$97.81		\$
9/19/00	\$107.94		\$
9/20/00	\$107.13		\$
9/22/00	\$107.00		\$
9/25/00	\$106.81		\$
10/4/00	\$94.06		\$
10/5/00	\$95.06		\$
10/11/00	\$85.88		\$
10/13/00	\$94.38		\$
10/16/00	\$94.44		\$
10/20/00	\$102.38		\$
10/27/00	\$77.25		\$
11/1/00	\$78.56		\$
1/18/01	\$60.31		\$

Defendant Muller

Column 1	Column 1a	Column 2	Column 3
Date	Market Price Per Share on Date	Used Material, Non-Public Information?	Dollar Inflation on Date of Sale
5/22/00	\$85.31		\$
5/30/00	\$91.38		\$
7/31/00	\$118.13		\$
8/1/00	\$116.88		\$
8/2/00	\$112.63		\$
8/4/00	\$115.94		\$
8/7/00	\$121.19		\$
8/8/00	\$119.88		\$
8/11/00	\$117.75		\$
8/14/00	\$120.25		\$

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2 **Defendant Straus**
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Column 1	Column 1a	Column 2	Column 3
Date	Market Price Per Share on Date	Used Material, Non-Public Information?	Dollar Inflation on Date of Sale
8/1/00	\$116.88		\$
8/4/00	\$115.94		\$
8/7/00	\$121.19		\$
*	\$55.81	11/30/00	2/1/01 \$
*	\$28.00	11/30/00	3/6/01 \$

11 *You must determine whether Defendant Straus used material, non-
12 public information on November 30, 2000 in deciding whether he is
13 liable for insider trading based on these sales. However, the
damages must be calculated as of the actual date of the sales.



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2 16. If you selected "Percentage Inflation" in Question 7, please
3 complete the table below for any Defendant who you found sold
4 JDSU stock using material, non-public information.
5
6 a. Enter "Yes" in Column 2 for the date of any stock sale
7 which you find the Individual Defendant made while using
8 material, non-public information about the company.
9 b. For every date on which you answered "Yes", please enter
10 the percentage by which the price of JDSU stock was
11 inflated because the public did not have this material
12 information.

13 Then sign, date and return your verdict.
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2 Percentage Inflation Tables
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4 Defendant Abbe
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Column 1	Column 2	Column 3
Date	Used Material, Non-Public Information?	Percentage Inflation on Date of Sale
8/1/00		%
8/11/00		%
2/26/01		%
2/27/01		%
8/1/00		%

11 Defendant Kalkhoven
12

Date	Used Material, Non-Public Information?	Percentage Inflation on Date of Sale
5/22/00		%
5/24/00		%
7/31/00		%
8/4/00		%
8/7/00		%
8/21/00		%
8/22/00		%
8/31/00		%
9/1/00		%
9/7/00		%
9/12/00		%
9/13/00		%
9/18/00		%
9/19/00		%
9/20/00		%
9/22/00		%

[Handwritten signature]

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2	9/25/00	%
3	10/4/00	%
4	10/5/00	%
5	10/11/00	%
6	10/13/00	%
7	10/16/00	%
8	10/20/00	%
9	10/27/00	%
10	11/1/00	%
11	1/18/01	%

Defendant Muller

Date	Used Material, Non-Public Information?	Percentage Inflation on Date of Sale
14	5/22/00	%
15	5/30/00	%
16	7/31/00	%
17	8/1/00	%
18	8/2/00	%
19	8/4/00	%
20	8/7/00	%
21	8/8/00	%
22	8/11/00	%
23	8/14/00	%

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Defendant Straus

Date	Used Material, Non-Public Information?	Percentage Inflation on Date of Sale
8/1/00		%
8/4/00		%
8/7/00		%
*	11/30/00	2/1/01 %
*	11/30/00	3/6/01 %

*You must determine whether Defendant Straus used material, non-public information on November 30, in deciding whether he is liable for insider trading based on these sales. However, the damages must be calculated as of the actual date of the sales.

Please sign, date and return this form.

Dated:

John S. Straus
Jury Foreperson

11/27/07. 1515 HRS -

VERDICT TABLE

Quest. No. 1	Quest. No. 2	Quest. No. 3			Quest. No. 4a			Quest. No. 4b			Quest. No. 5	Quest. No. 6		
Materially False or Misleading	Lacks Cautionary Language	Person(s) Making Statement			Actual Knowledge			Reckless Disregard			Caused Loss	Controlling Person		
		Abbe	Kalkhoven	Muller	Straus	Abbe	Kalkhoven	Muller	Straus	Abbe	Kalkhoven	Muller	Straus	
Statement No. 1 “... the market is exceeding, you know, our ability to ramp up ...”	NO				Yes									
Statement No. 2 “In all of these markets, the demand for bandwidth technology and components remains incredibly strong, and I believe we will see this demand accelerated.”	NO			Yes										
Statement No. 3 “Two-and-a-half-gigabit modulators continue to demonstrate strong growth.”	NO													
(Goodwill) Statement No. 4 JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion.	NO	1/2	1/2	NO										
Statement No. 5 JDSU's intangible assets, including goodwill, were \$22.3 billion at June 30, 2000.	NO	1/2	1/2	NO										
Statement No. 6 “... we still are... capacity constrained.”	NO	1/2	1/2	Yes										
Statement No. 7 “These results reflect... our substantial progress in expanding capacity to enable us to meet customer demand and serve the needs of our markets.”	NO	1/2	1/2	Yes										
(Goodwill) Statement No. 8 JDSU's intangible assets at June 30, 2000, were \$22.3 billion, including goodwill of \$21.3 billion.	NO	1/2	1/2	Yes										
(Goodwill) Statement No. 9 JDSU's goodwill was “21.1 [billion]” at September 30, 2000.	NO	1/2	1/2	Yes										

Benn Soffer

~~THE DEFENDANT IS ADVISEDLY
THAT HE THAT ALL DEMANDS
IN ANSWER OF THE DEFENDANT
ON ALL COUNTS. NO DAMAGES
FINANCIAL OR AWARDED. PLAINTIFF~~

The jury find unanimously
in favor of the defense on all
counts. No financial damages
awarded.